

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED SERVICES AUTOMOBILE
ASSOCIATION, A TEXAS
RECIPROCAL INTER-INSURANCE
EXCHANGE;

Plaintiff,

V.

WELLS FARGO BANK, N.A., A
NATIONAL BANKING ASSOCIATION;

Defendant.

CIVIL ACTION NO. 2:18-CV-00245-JRG

ORDER

Before the Court is Wells Fargo Bank N.A.’s (“Wells Fargo”) Motion to Stay Execution of the Judgment Under 12 U.S.C. § 91 (the “Motion”). (Dkt. No. 351.) In the Motion, Wells Fargo moves to stay execution of the judgment pending appeal without posting a supersedeas bond arguing that (1) the National Bank Act exempts it from having to post a supersedeas bond or provide other security to prevent execution of the judgment prior to the exhaustion of all appeals, and (2) Wells Fargo clearly has the resources to pay the judgment against it and therefore the Court should exercise its discretion to stay execution of the final judgment without requiring Wells Fargo to post a bond or other security. (Dkt. No. 351.)

USAA argues that a stay of judgment without bond is not required under the National Bank Act, which does not apply to federal court judgments, but that “[w]hile USAA disagrees with Wells Fargo’s position on the requirements of the National Bank Act, USAA does not object if the Court decides in its discretion to waive the bond.” (Dkt. No. 360 at 3.)

As USAA does not oppose the discretionary relief requested by Wells Fargo, the Court hereby **GRANTS** Wells Fargo Bank N.A.'s Motion to Stay Execution of the Judgment Under 12 U.S.C. § 91 (Dkt. No. 351). Having done so within its discretion, the Court need not reach whether § 91 of the National Bank Act applies.

In light of the foregoing, it is **ORDERED** that execution of the judgment entered on November 122, 2019 in the above-captioned case shall be **STAYED** pending disposition of any appeal therefrom. It is further **ORDERED** that Wells Fargo need not post a supersedeas bond or other security to stay execution.

So ORDERED and SIGNED this 22nd day of September, 2020.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE